IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

MONDAY THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND THREE
: PRESENT :
THE HON'BLE MR. JUSTICE : B. PRAKASH RAO

CONTEMPT CASE No. 1129 of 2002 AND CRP. NO. 2110/2001

(Contempt Case under Section 10 to 12 of Contempt of Courts Act to punish the Respondents herein for committing Contempt of the Order of the High Court dated 13-07-2001 in CMP. No. 9314/2001 in CRP No. 2110 of 2001.)

C.C. No. 1129/2002

Between:
Mudha Jogibabu.

PETITIONER

AND

1. Sunkara Thammarao.
2. Sunkara Kamaraju @ Raja.
3. Ungarala Tatarao.
4. Barre Rajababu.

RESPONDENTS

For the petitioner : Mr. V.V.L.N. Sarma Advocate
For the Respondents : Mr. Godey Satish Advocate

CRP No. 2110/2001

Between:

Mudha Jogibabu.

Petitioner

And

1. Sunkara Thammarao.
2. Sunkara Somaraju

Respondents

Petition filed u/s 115 of CPC to revise the order dated 16-01-2001 and made in CMA No. 18 of 1999 on the file of the Court of the Senior Civil Judge, Peddapuram E.G. District against the orders in I.A. No. 170/1997 in O.S. No. 24 of 1997 on the file of the Court of the Junior Civil Judge, Prathipadu E.G. District dated 14-09-1999.

For the Petitioner : Mr. V.V.L.N. Sarma Advocate
For Respondents : Mr. P. Murali Krishna Prasad Advocate

These Contempt case and Civil Revision Petition Coming on for orders and upon perusing the petition and Affidavit and memorandum of ground filed therein and upon hearing the arguments of the both cases in the above counsels.

The Court made the following : **ORDER:**

In this contempt case, the petitioner is seeking for punishing the respondents herein for the violation of the injunction orders granted by this Court in CMP No. 9314 of 2001 in CRP No. 2110/2001 dated 13-07-2001.

The allegation is that in spite of such injunction and also subsequent disposal of the main revision in favour of the petitioner the respondents are interfering. Hence the contempt case. These allegations are sought to be denied by the respondents herein by pointing out various aspects.

On consideration of the submissions made a crop the Bar, it transpires that both the sides are trying to rely on various surrounding circumstances including the letter developments which require an enquiry and also evidence to be let in by both the sides without which it is very difficult to accept the allegations of either side. Though it has been pointed out on behalf of the respondents that the suit itself has been dismissed, it is submitted by the counsel for the petitioner that subsequently the suit is restored.

Be that as it is, the fact remains that there is a contempt while the injunction was pending which would not absolve the respondents by disposal of the main suit itself.

In view of the same, the lower court is directed to conduct an enquiry by providing an opportunity to both the sides in respect of the allegations and counter allegations made in this Contempt case and submit the finding on all the aspects.

The lower court shall complete the enquiry and submit the report within a period of one month from the date of receipt of this order.

Office is directed to post the matter after receipt of the report from the court below.

Sd/- **P. Vana Kumari**
DEPUTY REGISTRAR

// TRUE COPY // SECTION OFFICER

To

1. The Senior Civil Judge, Peddapuram, E.G. District.
2. The Junior Civil Judge, Prathipadu, E.G. District.
3. Mr. V.V.L.N. Sarma Advocate High Court of A.P. Hyderabad.
4. Mr. Godey Satish, Advocate High court of A.P. Hyderabad.
5. Mr. P. Murali Krishna Prasad, Advocate High Court of A.P. Hyderabad.
6. One spare copy.

D/psk
T/n.w.a

HIGH COURT

BPR J

DT. 08-09-2003

Note: Office is directed to post the matter after receipt of the report from the court below.

ORDER

C.C. No. 1129 of 2002
And
CRP No. 2110 of 2001

DIRECTION.